

AN ORDINANCE  
AMENDING SECTION 6-1 OF THE ZONING REGULATIONS OF THE  
CITY OF NORTH CHARLESTON TO REVISE THE SETBACKS AND DETACHED  
ACCESSORY USE STRUCTURE REQUIREMENTS IN THE R-1, SINGLE-FAMILY  
RESIDENTIAL, AND R-3, MOBILE HOME RESIDENTIAL, ZONING DISTRICTS

WHEREAS, the City of North Charleston is empowered to regulate land use to ensure orderly growth and harmony among neighboring uses; and

WHEREAS, the current setbacks required in the R-1 district require adjustment based on a recent change to the allowable lot size in this district; and

WHEREAS, it is reasonable to permit detached accessory use structures in side yards in the R-1 and R-3 zoning districts where lots may not have rear yards to accommodate such structures; and

WHEREAS, pursuant to a duly advertised public meeting held on May 10, 2021, it has been recommended to the Mayor and Council by the Planning Commission that the zoning text should be amended to revise the setbacks and detached accessory use structure requirements in the R-1 and R-3 zoning districts; and

Now, therefore, be it ordained and enacted by the Mayor and Council that certain provisions of the Zoning Regulations, as amended, be further amended as follows in EXHIBIT A attached hereto and incorporated herein.

THE WITHIN ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS ADOPTION BY CITY COUNCIL.

Ordained by City Council this 24<sup>th</sup> day of June, in the Year of Our Lord, 2021, in the 244<sup>th</sup> year of Independence of the United States of America.

  
R. KEITH SUMMEY, MAYOR

APPROVED AS TO FORM:

ATTEST:

  
LEGAL COUNSEL

  
SANDY L. BROWN, MUNICIPAL CLERK

**NORTH CHARLESTON CITY COUNCIL  
AGENDA ITEM**

Meeting of June 24, 2021

**DATE:** April 19, 2021

**ITEM TITLE:** Ordinance – Final Reading  
Amending Section 6-1 of the Zoning Regulations of the City of North Charleston to Revise the Setbacks and Detached Accessory Use Structure Requirements in the R-1, Single-Family Residential, and R-3, Mobile Home Residential, Zoning Districts

**SUBMITTED BY:** Planning Commission

**CONTACT PERSON:** Gwen Moultrie, Planning and Zoning Director, 843-740-2572

**SUMMARY EXPLANATION:**

Given the recent change in the minimum lot size required in the R-1, Single-Family Residential, zoning district, staff studied the setback requirements in R-1 and is proposing some changes in the Zoning Regulations to address the setbacks and detached accessory use structure requirements as summarized below:

- Clarifies the R-1 front-yard setback requirements, to use an average, plus or minus 2.5 feet, or 20 feet when less than 50% of the block is developed.
- Revises the side setback in R-1 to require only lots platted after 2007 in the Suburban Residential area to have one side of ten feet and the other five feet.
- Allows for accessory uses in a side yard in both R-1 and R-3 when there is not enough area in the rear yard due to easements, trees, wetlands or other factors.

**STAFF RECOMMENDATION:**

Approval.

**BOARD, COMMISSION, COMMITTEE RECOMMENDATIONS:**

On May 10, 2021, the Planning Commission held a public hearing and voted to recommend approval (6-1-0).

**COUNCIL COMMITTEE RECOMMENDATION:**

On June 17, 2021 the Public Safety Committee voted unanimously to recommend approval of the Ordinance as presented (9-0-0).

**COUNCIL ACTION:**

On June 10, 2021 Mayor Summey stated that without objection, this item will be referred to the Public Safety Committee on June 17, 2021 for further review and a recommendation.

Exhibits  
 Resolution  Ordinance  Contract  Minutes  Plan/Map  Transfer of Funds  Other

## EXHIBIT A

### Section 6-1. Requirements in R-1 single-family residential, R-2 multi-family residential, R-3 mobile home residential and AG agricultural districts:

Unless otherwise specified elsewhere in this ordinance uses permitted in the R-1, R-2, R-3 and AG zoning districts shall conform to the following standards:

...  
(c) *R-1 single-family and AG agricultural (detached) dwelling requirements:*

1. *Front yards:*

- a. ~~The street (front yard) setback requirements of this ordinance shall not apply on any lot where fifty (50) per cent or more of the frontage between two (2) intersecting streets or within two hundred (200) feet on each side of such lot is improved with buildings that are set back from the street line or where all of the buildings, though occupying less than fifty (50) per cent but more than twenty (20) per cent of such frontage, are set back from the street line. In such cases the average alignment of the existing buildings shall be the minimum setback line. For the purpose of this ordinance, the frontage along the side line of a corner lot is excluded.~~
- b. ~~On a street frontage between two (2) intersecting streets but excluding the frontage along the side line of a corner lot, where not more than twenty (20) per cent of such frontage is improved with buildings that are built at the street line and where the provisions of subdivision (1) of this subsection do not create a minimum setback line from the street shall be twenty (20) per cent of the average normal depth of the lots having their front lines along such street frontage; such distance back from the street need not be more than forty (40) feet but shall be at least twenty (20) feet. For the purpose of this section, porches and steps are considered to be a part of the main body of the house and may not encroach within the front yard setback. Detached accessory use structures are not permitted in front yards.~~
- a. Where 50 percent or more of the lots located on the same block between two intersecting streets are developed, the average alignment of the buildings on the same side of the block within 200 feet of such lot shall be the minimum setback line, plus or minus two and one-half feet. For the purposes of these calculations, the frontage along the side line of a corner lot is excluded.
- b. Where a minimum setback is not established as above, the setback shall be 20 feet.
- c. Porches and steps are considered to be a part of the main body of the house and may not encroach within the front yard setback.
- d. Detached accessory use structures are not permitted in front yards.
- e. The primary entrance to the home shall be oriented toward a street frontage.

2. *Side yards:*

- a. For every building erected, there shall be a side yard along each lot line other than a street line or rear line, each side yard to have a minimum width of five (5) feet measured from the main body of the house to the property line; provided, however, that on newly subdivided lots zoned R-1 in areas with the Suburban Residential Future Land Use designation, or used for single-family residential purposes, the minimum side yard set-back for one (1) side yard shall be at least ten (10) feet. For the purpose of this section, porches, decks (including pools located in decks), carports, attached garages, covered patios, HVAC units, and steps are considered to be a part of the main body of the house. All dimensions to be computed from the property line. This change will only apply to single-family residential uses and lots where development begins after ~~the effective date of this ordinance~~ October 25, 2007. This change shall not apply to substandard lots of record.
- b. Where a side yard abuts a street, the minimum side yard along the street shall be at least ten (10) ~~feet per cent of the width of the lot; provided, however, that on lots zoned R-1, or used for single-family residential purposes the minimum side yard set-back for one (1) side yard shall be at least ten (10) feet.~~
- e. ~~The ten (10) foot side yard setback on one (1) side for newly created lots will only apply to single-family residential uses and lots where development begins after the effective date of this ordinance. This change shall not apply to substandard lots of record.~~
- dc. ~~Only attached accessory use structures shall only be allowed in side yards. Inground pools are allowed in side yards with a three-foot setback from property lines. Detached accessory use structures may be allowed in side yards when it has been determined to the satisfaction of the zoning administrator that the proposed improvements may not practicably be located within the rear yard, as defined below, due to positioning of the principal dwelling, easements, existing trees, wetlands, or other such factors. These accessory use buildings shall not, however, be situated along a front yard of an adjacent parcel. Such accessory use building shall not be more than eighteen (18) feet in height to the ridge, or the height of the existing residence, whichever is less, and at least six (6) feet from any structure and three (3) feet from any interior line.~~

...

- (e) *R-3 mobile/manufactured homes*: The following standards shall apply to any newly developed manufactured home site or manufactured home park. Parks and home sites approved prior to the adoption of this section remain subject to the standards under which they were originally approved.

...

2. *Side yards:*

- a. Each individual mobile/manufactured home shall be at least twenty-five (25) feet from any other dwelling unit. In the case of a single the mobile/manufactured home on a lot of record or in a mobile home park space, the side yard shall be ten (10) feet measured from the main body of mobile/manufactured home park space. For the purpose of this section, an attached porch, steps, carport or garage shall be considered the main body of the home. All dimensions to be computed from the property line.
- b. Detached accessory use structures may be allowed in side yards when it has been determined to the satisfaction of the zoning administrator that the proposed improvements may not practicably be located within the rear yard, as defined below, due to positioning of the principal dwelling, easements, existing trees, wetlands, or other such factors. These accessory use buildings shall not, however, be situated along a front yard of an adjacent parcel. Such accessory use building shall not be more than eighteen (18) feet in height to the ridge, or the height of the existing residence, whichever is less, and at least six (6) feet from any structure and three (3) feet from any interior line.

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(Ord. No. 1985-17, 3-28-85; Ord. No. 1995-52, 10-24-95; Ord. No. 1996-46, 8-22-96; Ord. No. 1997-32, 5-22-97; Ord. No. 1998-51, 5-28-98; Ord. No. 1998-85, 9-24-98; Ord. No. 1998-107, 12-22-98; Ord. No. 2005-21, 4-28-05; Ord. No. 2006-10, 3-23-06; Ord. No. 2007-75, 10-25-07; Ord. No. 2009-50, 9-24-09)